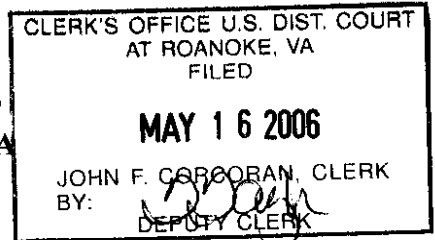


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



DONALD LEE WARD,  
Petitioner,

v.

GENE M. JOHNSON,  
Respondent.

Civil Action No. 7:05-cv-00741

**FINAL ORDER**

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that respondent's motion to dismiss shall be and is hereby **GRANTED**; the petition for habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED**; and the action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 16<sup>th</sup> day of May, 2006.

*James C. Turk*  
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Senior United States District Judge